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REMARKS/ARGUMENTS

Claims 1-20 remain in this application for examination. Applicants again express their sincere appreciation for the indication of allowable subject matter in claims 3, 11-14 and 20; however, upon reviewing Hamada et al. '543, Applicants again respectfully submit that their claims are not anticipated by Hamada et al. '543.

Claims 1-2, 4-10 and 15-19 have again been rejected under 35 U.S.C. §102(e) as being anticipated by Hamada et al. '543. Applicants again respectfully traverse this rejection.

In order for a rejection under 35 U.S.C. §102(e) to be sustainable, it is necessary that every limitation of the claim be taught in a single reference. Under the case law, anticipation under 35 U.S.C. §102 is a strict standard. "A claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior reference." *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631. 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989) This is not the case with respect to Applicants' independent claims 1 and 15 because there is no disclosure in Hamada et al. '543 of the following claim limitations:

In Claim 1--

an anchorage having at least one coupler adapted to couple with the complementary coupler on the child restraint seat to retain the child seat on the vehicle seat; the anchorage being movable with respect to the vehicle seat and being biased to a first position with respect to the vehicle seat, the first position being indicative of the absence of a child restraint seat attached to the anchorage (emphasis supplied). . .

and in Claim 15--

an anchorage bar mounted on the cross bar and having first and second couplers thereon for coupling with couplers on the child restraint seat to restrain the child restraint seat on the vehicle seat; the anchorage bar being movable with respect to the cross bar from a first position to a second position and being biased to the first position (emphasis supplied). . .

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As previously stated in Applicants' reply of February 16, 2006, this structure is not disclosed in Hamada et al. '543 because in Hamada '543 the anchorage bar 46 never moves with respect to the vehicle seat, rather the anchorage bar is stationary with respect to the vehicle seat. As is readily apparent from Figs. 5, 6 and 15 of Hamada et al., the structure corresponding to the claimed anchorage bar is the "fixture bar 46," not the movable bar 50 (See column 6, lines 13-17). It is clear in every instance in Hamada et al. that the cross bars 46 and 110 are fixed and are not movable, while the bar 50, which does not anchor the child seat, moves back from the fixture bar 46 upon coupling the fixture attachment 44 of the child seat to the anchorage bar.

This is not a distinction without a difference in that in claims 1 and 15 there is a position sensor associated with the anchorage for detecting movement of the anchorage (claim 1) and for detecting movement of the anchorage bar (claim 15). In Hamada et al. '543 the anchorage or the anchorage bar 46 does not move with respect to the seat, rather it is the rod 50 (which is not an anchor) that is displaced. Accordingly, movement of the anchorage or anchorage bar can not be detected in Hamada et al. '543.

Claims 2, 4-10 and 14-19 each depend from independent claims 1 and 15. These claims further limit independent claims 1 and 15 and are allowable over Hamada et al. '543 for the same reasons that claims 1 and 15 are allowable.

In its "Response to Arguments", the final rejection relies on a dictionary definition of Webster's Colligate Dictionary which according to the Office Action is "a means of securing." The Office Action never adequately addresses the limitation of the anchorage or anchorage bar "being movable." That the anchorage bar is capable of securing a spring does not anticipate an anchorage bar being movable. There is no nexus at all here between anchoring a spring and being movable.

The term "being movable" means what it would mean to a person of ordinary skill in the art at the time the invention was made. The Examiner must determine how such an ordinarily skilled person would understand the claim in the context of the particular technology and the description in the specification. The inquiry into claim meaning is directed to ascertaining "what one of ordinary skill in the art at the time of the invention would have understood the term ['being movable'] to mean." *Markman v. Westview Instrument, Inc.*, 52 F.3d 967, 986 (Fed. Cir 1995); *Bell Ad. Network Serv., Inc. v. Covad Communications Group*, 262 F.3d 1258, 1267 (Fed. Cir 2001).

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M.P.E.P. §2111 instructs that the broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach, see also *In re Cortright*, 165 F.3d 1353, 1359, 49 USPQ2d 1464, 1468 (Fed. Cir. 1999). “[T]he PTO applies to the verbiage of the proposed claims the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art....” *In re Morris*, 127 F.3d 1048, 1054, 44 USPQ2d 1023, 1027 (Fed.Cir.1997). “It is axiomatic that, in proceedings before the PTO, claims in an application are to be given their broadest reasonable interpretation consistent with the specification, ... and that claim language should be read in light of the specification as it would be interpreted by one of ordinary skill in the art” (emphasis added). *In re Bond*, 910 F.2d 831, 833, 15 USPQ2d 1566, 1567 (Fed.Cir.1990).

As to dictionaries and treatises, *Texas Digital Systems v. Telegenix*, 308 F.3d 1193, 64 USPQ2d 1812 (Fed. Cir. Oct. 16, 2002) decided that dictionaries and treatises should be regarded as “unbiased reflections of common understanding not influenced by expert testimony or events subsequent to the fixing of the intrinsic recorded by the grant of the patent, not colored by the motives of the parties, and not inspired by litigation.” In short, the *Texas Digital* case relied on extrinsic evidence in the form of dictionaries since such definitions are unbiased. However, “a common meaning, such as one expressed in a relevant dictionary, that flies in the face of the patent disclosure is undeserving of fealty (emphasis supplied).” *Renishaw PLC v. Marposs Societa 'per Azioni*, 158 F.3d 1243, 1250, 48 USPQ2d 1117, 1122 (Fed. Cir. 1998).

After the U.S. Court Of Appeals For The Federal Circuit decided *Philips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005) (*en banc*), and decided several following cases, the law of claim construction placed new emphasis on interpreting claims in the context of the specification and with diminished reliance on dictionaries. Prior to the *Philips* case, the law of claim construction relied, at least in part, on dictionaries as instructed by the *Texas Digital* case. However, after the decision in the *Philips* case, and several cases following, the law of claim construction requires that claims be construed to have the meanings that they would have to persons of ordinary skill in the art with reference to the specification. After the decision in the *Philips* case, it is necessary to look at the disclosure of the specification to properly construe the claim term.

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In particular, *Philips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005) (*en banc*), emphasized that the proper judicial construction of a claim and its terms is from the viewpoint of a person of ordinary skill in the field of the invention. The Examiner must determine how such a person would understand the claim in the context of the particular technology and the description in the specification, with due reference to the prosecution history. See also, *On Demand Machine Corp. v. Ingram Industries, Inc. et al.*, Slip Op. 05-1074, 1075, 1100, pages 7-8 (Fed. Cir., decided March 31, 2006) ("Thus the court in *Philips*, resolving conflict, stressed the dominance of the specification in understanding the scope and defining the limits of the terms used in the claim. 415 F.3d at 1313." (emphasis added)). See also, *Dorel Juvenile Group v. Graco Children's Products*, Slip Op. 05-1026, page 5 (Fed. Cir., decided November 7, 2005) (The court will "test the scope of claim language with primary reference to the specification, of which the claims are a part, *Phillips v. AWH Corp.*, 415 F.3d 1303, 1315-17 (Fed. Cir. 2005) (*en banc*)." (emphasis added)). See also, *Biagro Western Sales v. Grow More*, Slip Op. 04-1414, pages 7-8 (Fed. Cir., decided September 13, 2005) ("As our recent *en banc* decision in *Phillips v. AWH Corp.* reaffirmed, the words of a claim are generally given their ordinary and customary meaning, which is the meaning the term would have to a person of ordinary skill in the art at the time of the invention. 415 F.3d 1303, 1312-13 (Fed. Cir. 2005) (*en banc*) (citing *Innova*, 381 F.3d at 1116). Such a person is deemed to read the claim term in the context of the entire patent, including the other claims and the written description. *Id.* at 1313." (emphasis added)). See also, *Aquatex Industries v. Techniche Solutions*, Slip Op. 05-1088, page 9 (Fed. Cir., decided August 19, 2005) ("To ascertain the meaning of a disputed claim term "the words of a claim are generally given their ordinary and customary meaning," as would be understood by "a person of ordinary skill in the art in question at the time of the invention, i.e., as of the effective filing date of the patent application." *Phillips v. AWH Corp.*, 415 F.3d 1303, (Fed. Cir. 2005) (*en banc*). The specification is of central importance in construing claims because "the person of ordinary skill in the art is deemed to read the claim term not only in the context of the particular claim in which the disputed term appears, but in the context of the entire patent, including the specification." *Id.* at *24.").

With the foregoing discussion in mind, Applicants refer the Examiner to paragraph [0027] of their application, which in the first sentence states that:

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The resulting movement of the anchors 25 and 26 is detected by a position sensor 52 which is operatively associated with the anchors. (emphasis supplied)

In addition, the Examiner's attention is directed to the following paragraphs:

Paragraph [0028]:

Referring now to Fig. 4, there is shown a front perspective view of the cross bar 24 in isolation to which the anchor 25 is fixed by welds 61 and 62 and the anchor 26 is fixed by welds 63 and 64. The anchors 26 and 28 are connected to a rear bar 66 by arms 68 and 70, respectively. The rear bar 66 allows either pivoting or deflection of both the anchors 25 and 26 with respect to the cross bar 24 when the anchors 25 and 26 are tensioned by attaching the hooked couplings 34 and 35 (Figs. 1 and 2) to the anchor loops 27 and 28. Since the child or infant restraining seat 30 is disposed above the anchors 25 and 26 (see Figs. 1 and 2) torque with a tangential component is applied to the arms 68 and 70 to pivot the anchors 25 and 26 and the reaction plate 60 upwardly. (emphasis added).

Paragraph [0031], the last sentence:

As is seen in Figure 6, the tension applied by the hooked couplers 34 and 35 has a tangential component which causes the anchors 25 and 26 to rotate from the first position of Fig. 5 to the second position of Fig. 6. (emphasis supplied)

Paragraph [0032]:

This lifts the arms 68 and 70 to the Fig. 6 position, wherein the arms abut upper top surfaces 80 and 82 of the cross bar 24 so that the permanent magnet 74 closes the reeds in the reed switch 75 (Fig. 3). Upon releasing the hooked couplers 34 and 35 (see Fig. 3), the springs 89 and 90 return the anchors 25 and 26 to the Fig. 5 position in which the magnetic reed switch 75 is open. (emphasis supplied)

Paragraph [0033]:

The anchors 26 and 28 deflect upwardly until the legs 68 and 70 abut the upper surfaces 80 and 82 of cross bar 24, thus lifting the permanent magnet 74 into alignment with the reeds of the reed switch 75 (see Figs. 3 and 5). Upon releasing the hooked couplers 34 and 35, the anchors 25 and 26 return to the

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position of Fig. 5 from which they had been deflected when the child restraint seat 30 was fastened to the vehicle seat 10.

Applicants respectfully submit that it is abundantly clear what the term "being movable" means in Applicants' specification and drawings. Being movable clearly does not mean being fixed which is the case in Hamada et al. '543. Accordingly, it is respectfully requested that this Final Rejection under 35 U.S.C. §102 be withdrawn.

In view of the aforementioned considerations, it is respectfully requested that this application be allowed and passed to issue. If the Examiner for any reason feels a personal conference with Applicants' attorneys might expedite prosecution of this application, the Examiner is respectfully requested to telephone the undersigned.

Please charge any fees that may be due to Deposit Account 07-0960.

Respectfully submitted,



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